

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

JACOB SMITH,

v.

ISIDRO BACA, et al.,

Plaintiff,

Defendants.

Case No. 3:22-cv-00522-MMD-CSD

ORDER

Pro se Plaintiff Jacob Smith, incarcerated in the custody of the Nevada Department of Corrections (“NDOC”), filed this case under 42 U.S.C. § 1983 alleging that NDOC officials violated his constitutional rights by knowingly transferring inmates with COVID-19 into his housing unit and infecting him with COVID-19. (ECF Nos. 3, 4.) Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Craig S. Denney (ECF No. 43), recommending the Court deny Defendants’ motion for summary judgment (ECF No. 32). To date, no objections to the R&R have been filed. Because there is no objection, and as further explained below, the Court will adopt the R&R.

Because there is no objection, the Court need not conduct de novo review, and is satisfied that Judge Denney did not clearly err. See *United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.” (emphasis in original)). Judge Denney recommends the Court deny Defendants’ summary judgment motion because he found that Plaintiff, “raised a genuine dispute of material fact as to whether Defendants responded reasonably to abate the COVID-19-related risk of harm to Plaintiff or whether they

1 disregarded a substantial risk of harm." (ECF No. 43 at 8.) Having reviewed the R&R,
2 Judge Denney did not clearly err.

3 It is therefore ordered that Judge Denney's Report and Recommendation (ECF
4 No. 43) is accepted and adopted in full.

5 It is further ordered that Defendants' motion for summary judgment (ECF No. 32)
6 is denied.

7 It is further ordered that the Court finds it appropriate to refer this case for a
8 settlement conference before Judge Denney under LR 16-5. If this case does not settle
9 at the settlement conference, the Joint Pretrial Order is due within 30 days of the date the
10 settlement conference is held.

11 DATED THIS 20th Day of November 2024.
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13 MIRANDA M. DU
14 UNITED STATES DISTRICT JUDGE
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